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June 5, 2012

Jacumba Valley Ranch, LLC
c/o Karl Turecek
2423 Camino del Rio South, #212
San Diego, CA 92108

Re: Preventing a public nuisance upon closure of the Bornt organic farm

Dear Mr. Turecek:

The County Assessor lists you as the owner's contact for Jacumba Valley Ranch, LLC, which owns property east of Jacumba that is currently leased to Alan Bornt for use as an organic farm. Approximately 450 acres have been actively farmed during 2012.

The County, with assistance from the University of California Cooperative Extension Service, Farm and Home Advisor (FHA) has been working closely with Mr. Bornt for several years on Mr. Bornt's efforts to abate eye gnats associated with his farm. Those efforts have reduced eye gnat number significantly, but have not fully alleviated impacts in Jacumba.

Mr. Bornt recently informed the County that he intends to cease farming at the Jacumba Valley Ranch within a matter of weeks, because his irrigation wells are running dry. Mr. Bornt has been operating under the "Bornt Farms 2012 Eye Gnat Nuisance Prevention Plan" [2012 Plan]. That plan provides for several tiers of eye gnat abatement measures that must be actively maintained to remain effective, including flight barriers, baited traps, and a barrier crop that is irrigated and sprayed with pesticides that trap and kill gnats. The plan was based on anticipated calendar year 2012 farming activity, which did not include an early cessation of farming.

Mr. Bornt's years of organic farming at this site have contributed to a reservoir of eye gnat eggs and larvae in the soils on the farm. Those eggs and larvae will remain in the soil when Mr. Bornt ceases operations and will produce new generations of eye gnats for some period of time. There are indications that Mr. Bornt may not adequately maintain the traps, flight barriers and buffer crop regime that are helping to protect the community. If those measures are halted, other measures must be implemented to control eye gnats. Unless the measures in the 2012 Plan or new measures are put in place, there is a potential for nuisance-level eye gnat impacts in the community for a period of at least several weeks or months.

The owner of property on which a public nuisance is maintained is liable for that nuisance. You should anticipate County nuisance abatement enforcement action if the cessation of farming on the Jacumba Valley Ranch property is not accompanied by adequate eye gnat abatement measures and a public nuisance results.

We therefore urge you to take action to ensure that eye gnat impacts to this community are abated in connection with the cessation of active farming by Mr. Bornt.

Please let this office know how you intend to proceed; DEH or the FHA may be able to provide technical advice or other assistance. If you have any questions, please call me at (858) 532-4884 prior to June 11 or after June 15, call Rebecca Lafreniere of DEH at (858) 694-3595. My backup on this issue at County Counsel from June 11 to June 15 will be Ellen Pilsecker, 619 531-6229.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By


Rodney F. Lorang, Senior Deputy

RFL:ls
09-02176

cc: Jack Miller, Director, DEH (O560)
Ellen Pilsecker, Chief Deputy County Counsel (A12)
Alan Bornt